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Paper No. 9

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In re Application of
Lin-Hendel
Application No. 09/577,190

Filed: May 23, 2000

Title of Invention: METHOD AND SYSTEM
FOR ONE-CLICK NAVIGATION AND
BROWSING OF ELECTRONIC MEDIA AND
THEIR CATEGORY STRUCTURE AS WELL
AS TRACKING THE NAVIGATION AND
BROWSING THEREOF

This is a decision on the petition under 37 CFR §1.137(a), filed February 19, 2002. This petition is being treated under 37 CFR §1.181(no fee) as a petition to withdraw the holding of abandonment for the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed on July 25, 2001. Petitioner was informed of the above-identified application's abandonment by a Notice of Abandonment mailed on February 11, 2002.

Petitioner maintains the items identified as missing in the Notice (basic statutory filing fee, oath or declaration, and small entity statement) were submitted on June 2, 2000 prior to the Notice of Missing Part was mailed out. In support, petitioner has provided a copy of an stamped post card receipt. The postcard acknowledges receipt of a preliminary amendment, a revised set of drawings labeled figs. 1a through 8C, a declaration and power of attorney and a verified small entity statement on June 2, 2000. The postcard receipt serves as *prima facie* evidence the documents listed were received at the USPTO. A review of the file indicates the documents listed on the Notice of missing parts have been located.

Based on the facts stated in the instant petition, and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR §1.181, the Petitioner's request to have the petition considered under 37 CFR §1.137(a) is dismissed as moot.

This application is being forwarded to the Office of Initial Patent Examination Division for further processing.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.


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for Patent Examination Policy